

SERVICE DATE – JULY 19, 2012

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35639

WEST OAKLAND PACIFIC RAILROAD, LLC—OPERATION EXEMPTION—UNION
PACIFIC RAILROAD COMPANY AND BNSF RAILWAY COMPANY

Decided: July 19, 2012

This decision grants a request to withdraw the notice of exemption that is the subject of this docket.

On June 14, 2012, West Oakland Pacific Railroad, LLC (WOPR), a noncarrier, filed a verified notice of exemption under 49 C.F.R. pt. 1150 subpart D-Exempt Transactions to operate, pursuant to a formal agreement with Union Pacific Railroad Company (UP) and BNSF Railway Company (BNSF), (1) approximately 3,800 feet of track owned by UP extending from 2001 Engineers Road to the trestle located on the east side of Wood Street; and (2) approximately 5,622 feet of track owned by BNSF extending from a point at or near the Bay Bridge Freeway to the Gary Steel facilities on 20th Street in Oakland, Alameda County, Cal., a total distance of approximately 1.8 miles. WOPR also planned to operate over various industrial tracks that have no specific milepost designations.

By letter filed on June 21, 2012, WOPR requests to withdraw the notice of exemption without prejudice to any action it may take in the future to become a rail carrier. WOPR's request to withdraw its notice of exemption is reasonable and will be granted.¹

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. WOPR's request to withdraw its notice of exemption is granted, without prejudice to refiling.
2. This proceeding is discontinued.

¹ WOPR also requests that the Board refund the filing fee that accompanied its notice of exemption. The Board's Chief, Section of Administration, Office of Proceedings, the agency official delegated with the authority to rule on such requests, will address this request by letter.

3. This decision is effective on its date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.